

RemarksRejections under 35 U.S.C. §103(a)

Claims 1-4, 19-22, 36 and 45 were rejected under 35 U.S.C. §102(e) as anticipated by

Skene et al (hereinafter "Skene") U.S. Publication 20010049741.

Skene:

Skene describes:

"...A system and method for balancing the load on virtual servers managed by server array controllers at separate data centers that are geographically distributed on a wide area network such as the Internet. The virtual servers provide access to resources associated with a domain name request by a client program. When a Primary Domain Name System (DNS) determined the requested domain name is delegated to a EDNS, the EDNS employs metric information and statistics to resolve an ip address for a virtual server that is selected by the EDNS to optimally balance the load and provide access to resources associated with the domain name. The EDNS may employ a static or a dynamic load balancing method to select the virtual server most suited to balance the load across all of the virtual servers..." (Skene, Abstract)

Wasserman:

Wasserman describes:

"...Systems and methods for verifying the authorization of a server to provide network resources to a client. At selected times, the client asserts an authorization interrupt, which will disable some or all non-essential functions of the client unless the server's authorization is verified within an allotted period of time. The client creates a client message by generating a random number and combining it with a client identifier and a value that specifies the current time. The client message is encrypted and sent to the server. Only authorized servers can decrypt the client message and create an encrypted service message that includes the random number. The service message can also contain an authorization code specifying the services that the client may receive, and an expiration count indicating when the authorization procedure will be repeated. *The client receives and decrypts the service message.* If the random number in the service message is found to be the same as the random number in the client message, *the server is authorized, and the client is enabled to exhibit a selected level of functionality.* The client can be associated with a smart card or another intelligent peripheral that verifies the authorization of the server in behalf of the client..." (Wasserman, Abstract)

Wasserman describes at column 3, lines 4-10:

“...If the client message is received by an unauthorized server, the server is unable to decrypt the message and to access the encoded information included therein. When the client message is instead received by an authorized server, the server uses a decryption key to decrypt the message. The server then decombines the value of the security counter, the client identifier, and the random number. Based on the value of the security counter, the server selects a new expiration count that will cause the client to again initiate the authorization process at a future time. The client identifier is compared against a client authorization database to determine the level of service that the client is authorized to receive. The level of service represents a level of functionality that the client is permitted to exhibit. The server generates an authorization code corresponding to the authorized level of service...”

The Examiner states, at page 3 of the Office action:

“... it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skene by specifying a level of service in the art at the time the invention was made to modify Skene by specifying a level of service that a client is authorized to receive in order to verify the identity or authorization of servers to provide network resources to client systems thereby allowing client to access and receive network resources over a secure network...”

Thus, in Wasserman, a server forwards an authorization message to a client, after validating that the client is authorized to receive a level of service.

As stated in M.P.E.P. §2143 :

“...To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations...”

Combination neither describes nor suggests claimed invention

Neither Skene nor Wasserman, alone or in combination, describe or suggest “... A method, associated with a domain name system server, of controlling the transfer of

information via a network, said method comprising: .... receiving, from a client device, a request for a network address that is associated with a service, *the request including a service authorization handle for indicating that the client is authorized for a level of service* for the handling of the request .... selecting a respective one of a plurality of network addresses each of which corresponds to a respective one of a plurality of *servers that are available to provide said service at the authorized level of service*; and transmitting, to said client device, said respective one of said plurality of network addresses *so that said client device may transmit at least one service request associated with said service that is to be directed to said respective one of a plurality of network addresses...."*

Although Skene describes that the 'EDNS may employ a static or dynamic load balancing level, Skene neither describes nor suggests the elements of claim 1. Skene neither describes nor suggests receiving a 'service authorization handle' or 'selecting ... one of a plurality of service that are available to provide said service at the authorized level of service' as recited in claim 1 and the independent claims 19, 36 and 45. The Examiner agrees with this position at page 3 of the Office action, but states that Wasserman teaches such a limitation. .

In addition, Wasserman, in combination with Skene, also fails to describe or suggest several elements of the claim.

Combination fails to describe or suggest "...receiving, from a client device, a request for a network address that is associated with a service, the request including a service authorization handle for indicating that the client is authorized for a level of service..." as recited in claim 1.

Wasserman states, at column 2: " In response to an authorization interrupt, the client generates a client message that includes the value of the security counter, a client identifier, and a random number. The client message is encrypted using an encryption key and is transmitted to the server. If the client message is received by an unauthorized server, the server is unable to

decrypt the message to access the encoded information. When the client message is instead received by an authorized server, the server uses a decryption key to decrypt the message....

Based upon the value of the security counter, the server selects a new expiration count that will cause the client to again initiate the authorization process at a later time... The server generates an authorization code corresponding to the authorized level of service..." This authorization code is then forwarded to the client. Thus, in Wasserman, an authorization code corresponding to the authorized level of service is forwarded *from* the server *to* the client.

In contrast, the claims of the present invention recite that *the client* sends the 'service authorization handle for indicating that the client is authorized for the level of service..." Such a structure is fundamentally different than that of Wasserman or Skene. Accordingly, for at least this reason, the claims are patentably distinct over the references, and it is requested that the rejection be withdrawn.

Combination neither describes nor suggests "...selecting a respective one of a plurality of network addresses each of which corresponds to a respective one of a plurality of servers that are available to provide said service at the authorized level of service..."

The Examiner relies on Wasserman for this limitation; however, Wasserman does not disclose selecting one of a plurality of network addresses. Rather, Wasserman describes a system which makes sure that clients are authorized to communicate with a particular server. Applicants would submit that the only proper combination of the references, without benefit of hindsight using the teachings of the present invention, would result in a system such as Skene's, which selects one of a plurality of addresses using load balancing, then uses the security system of Wasserman to have the selected server authenticate the client. No other proper combination can

be inferred without using the benefits of the teachings of the present invention. For at least the additional reason that the combination fails to describe or suggest 'selecting one of the servers... that are authorized...' the claims are patentably distinct over the combination of references, and the rejection should be withdrawn.

Thus, the A close reading of Wasserman reveals that, in fact, the *client* merely forwards a random number to the *server*. Authorization messages are forwarded from the *server* to the *client* to "verify the authorization of the server in behalf of the client..." (Abstract, Wasserman). The authorization, in Wasserman, does not 'verify the authorization of the server to provide network resources to a client...'

Accordingly, for at least the reason that the combination of Skene and Wasserman fails to teach every limitation in the independent claims 1, 19, 36 and 45, the rejection of under 35 U.S.C. §103 should be withdrawn. Dependent claims 2-4 and claims 20-22 serve to add further patentable limitations to respective independent claims 1 and 19, and thus are allowable for at least the same reasons as their parent claims.

Conclusion

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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